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2 District of Nevada
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7 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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10 UNITED STATES OF AMERICA,) Case No.: 2:15-mj-522-NJK
Plaintiff,)
11 vs.) STIPULATION TO CONTINUE
TYRONE PAUL PONTHIEUX,) PRELIMINARY HEARING
13 Defendant.) (Fourth Request)

14

15 IT IS HEREBY STIPULATED AND AGREED, by and between the United
16 States, by and through Daniel G. Bogden, United States Attorney, and Steven W.
17 Myhre, Assistant United States Attorney, and Defendant Tyrone Pontheiux, by and
18 through his counsel, William H. Gamage, Esq., that the Preliminary Hearing in this
19 matter currently scheduled for September 21, 2015, at the hour of 4:00 p.m., be
20 vacated and continued for at least twenty-one (21) days, or to a date thereafter
21 convenient to the Court.

22

The parties stipulate as follows:

23

1. The parties are engaged in plea negotiations and require additional time
24 to attempt to resolve the case short of indictment or a preliminary hearing. In

1 connection with these negotiations, defense counsel requires additional time to review
2 discovery produced in the case.

3 2. The defendant is incarcerated and does not object to the continuance.

4 3. The additional time requested herein is not sought for purposes of delay,
5 but merely to allow counsel for the government and the defendant sufficient time to
6 attempt to resolve this matter.

7 4. Denial of this request for continuance would deny counsel for the
8 defendant sufficient time to effectively and thoroughly review discovery and complete
9 negotiations, taking into account the exercise of due diligence.

10 5. Denial of this request for continuance could result in a miscarriage of
11 justice.

12 6. The additional time requested by this Stipulation is excludable in
13 computing the time within which the trial herein must commence pursuant to the
14 Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the
15 factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and
16 3161(h)(7)(B)(iv).

17 7. This is the fourth request for a continuance of the preliminary hearing
18 in this matter.

WHEREFORE, the parties respectfully request that the Court accept this Stipulation and enter an **Order**, vacating the current Preliminary Hearing setting of September 21, 2015, and continuing it to a date twenty-one (21) days or more thereafter, at a date and time convenient to the Court.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ Steven W. Myhre

/s/ William H. Gamage

STEVEN W. MYHRE
First Assistant United States Attorney

WILLIAM H. GAMAGE, ESQ.
Counsel for Defendant Tyrone Ponthieux

Dated: September 15, 2015

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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA
5

6 UNITED STATES OF AMERICA,) Case No.: 2:15-mj-522-NJK
7)
8) **ORDER TO CONTINUE
9) PRELIMINARY HEARING
vs.)
TYRONE PAUL PONTHIEUX,)
Defendant.)
10**

11 This matter coming on the parties' Stipulation to Continue Preliminary
12 hearing, the premises therein considered, and good cause showing, the Court finds as
13 follows:

14 1. The parties are engaged in plea negotiations. The defendant requires
15 additional time to review discovery and attempt to resolve the case short of
16 indictment or a preliminary hearing.

17 2. The defendant is incarcerated and does not object to the continuance.

18 3. The additional time requested herein is not sought for purposes of delay,
19 but merely to allow counsel for the government and the defendant sufficient time to
20 attempt to resolve this matter.

21 4. Denial of this request for continuance would deny counsel for the
22 defendant sufficient time to effectively and thoroughly review discovery and complete
23 negotiations, taking into account the exercise of due diligence.

5. Denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested by the parties' Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

It is therefore **ORDERED**:

1. The Preliminary Hearing currently set for September 21, 2015, at 4:00 p.m., is vacated and continued to October 26, 2015, at 4:00 p.m. in Courtroom 3D.

2. All time from the entry of this Order until the scheduled Preliminary Hearing is excluded from the Speed Trial Act under 18 U.S.C. § 3161(h)(7)(A) as the ends of justice outweigh the interest of the public and the defendant in a speedy trial, the Court having considered the factors delineated in 18 U.S.C. § 3161(h)(7)(B).

IT IS SO ORDERED, this 15th day of September, 2015.

NANCY J. KOPPE
United States Magistrate Judge